



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591

May 8, 2006

Exemption No. 8645A  
Regulatory Docket No. FAA-2004-18598

Mr. Penn Stohr  
Director of Operations  
Evergreen International Airlines, Inc.  
3850 Three Mile Lane  
McMinnville, OR 97128-9496

Dear Mr. Stohr:

This letter is to inform you that we have granted your petition to amend Exemption No. 8645. It explains the basis for our decision and gives the conditions and limitations.

### **The Basis for Our Decision**

On October 20, 2005, you petitioned the Federal Aviation Administration (FAA) on behalf of Evergreen International Airlines, Inc. (Evergreen), for an amendment to Exemption No. 8645. That exemption from § 91.319(a) of Title 14, Code of Federal Regulations allows Evergreen to carry passengers for compensation or hire for the purpose of conducting proof-of-concept liquid dispensing demonstration flights. The amendment you request would revise the conditions and limitations as they pertain to maintaining an agricultural operators certificate under the provisions of part 137.

In your petition you indicate that on June 4, 2004, Evergreen submitted a letter of intent and a part 137 certificate application, FAA Form 8710-3, to the certificate-holding district office (CHDO). Concurrent with that application, Evergreen submitted a schedule of events, as prescribed by the General Aviation Operations Inspector's Handbook 8700.1, change 22, figure 116.2.

You state that the CHDO has issued a part 137 certificate number, which is reflected in condition and limitation No. 5 of Exemption No. 8645. However, until full certification of the B-747-200 is complete and the supplemental type certificate (STC) is issued, the aircraft will not be listed on the certificate, nor will the final part 137 certification be issued to Evergreen.

AFS-06-030-E

The FAA finds that for the reasons presented by Evergreen, it is in the public interest to revise the conditions and limitations of Exemption No. 8645, by omitting condition and limitation No. 5 and removing the reference to part 137 in condition and limitation No. 6.

This exemption allows Evergreen to carry potential customers on the Boeing 747 Supertanker (Supertanker) for purposes of demonstrating the aircraft's performance and capability. Any flights for which Evergreen receives compensation, including reimbursement for operating expenses, must be conducted in accordance with § 91.501(b)(3). The charges for demonstration flights are limited to the charges specified in § 91.501(d).

This exemption shall terminate when Evergreen completes its demonstration flights and is issued an STC for the Supertanker aircraft. Upon receipt of the STC, Evergreen must coordinate with the FAA CHDO to obtain a part 137 operating certificate to conduct commercial fire fighting operations. If Evergreen conducts public aircraft fire fighting operations pursuant to a valid contract with a Federal, State, or local government, then a part 137 operating certificate would not be required. Evergreen, however, would still be required to comply with subparts C and D of part 137 when conducting public aircraft fire fighting operations.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register. The requested amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Evergreen.

### **Our Decision**

The FAA has determined that the justification for the issuance of Exemption No. 8645 remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 40113 and 44701, which the FAA Administrator has delegated to me, I grant your petition subject to the revised conditions and limitations below.

### **Conditions and Limitations**

1. This grant of exemption applies only to Evergreen's Boeing 747-200, registration No. N470EV and serial No. 20653, when conducting aerial dispensing of liquids during demonstration flights for potential customers.
2. Evergreen must maintain its Boeing 747-200 in accordance with its continuous airworthiness maintenance program and the instructions for continued airworthiness associated with the modification. Evergreen must develop maintenance and inspection programs, with the assistance of Boeing for data and services as required, to supplement its part 121 requirements.
3. Evergreen must not conduct operations over densely populated areas, congested airways, or over such other areas as may cause undue hazard to persons or property on the surface.

4. Evergreen must develop a communications and control plan that will, in coordination with elements on the ground, minimize the hazards inherent to the dispensing of large volumes of liquid over persons on the surface during dispensing operations.
5. Evergreen flightcrews operating the Supertanker must be made aware of the provisions of this exemption, and a copy of the exemption must be carried aboard the aircraft during flight.

The termination date of this exemption will remain September 30, 2007, unless sooner superseded or rescinded.

Sincerely,

/s/

James J. Ballough  
Director, Flight Standards Service